

Notice of Allowability

Application No.

09/879,312

Examiner

Joseph T. Weitach

Applicant(s)

GLIMCHER ET AL.

Art Unit

1632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after final amendment filed February 28, 2005.
2. ☒ The allowed claim(s) is/are 29,32,35,37-54 and 57-60.
3. ☒ The drawings filed on 12 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

This application is a divisional of 09/086,010, filed May 27, 1998, now US patent 6,274,338, which is a continuation in part of 09/030,579, filed February 24, 1998, now abandoned.

Applicants' after final amendment filed February 28, 2005, has been received and entered. The specification has been amended. Claims 1-28, 30, 31, 33, 34, 36, 55, 56 have been canceled. Claims 32 and 57 have been amended. Claims 29, 32, 35, 37-54 and 57-60 are pending.

Election/Restrictions

Applicant's election without traverse of Group I was acknowledged. Claims 29-60 are pending. Claims 55 and 56 drawn to a nonelected invention have been canceled. Claims 30 and 33 drawn to non-elected species have been canceled.

Drawings

The objection to the drawings is withdrawn.

The amendment to the specification to indicate the specific SEQ ID NOs in the figures has addressed the basis of the objection.

Priority

As indicated previously, this application is a Continuation-In-Part of application 09/030,579 with new matter introduced into Figures 1 and 2 (also Seq ID NO 1 and 2).

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Applicant has inserted sequence information not previously present in the parent application.

This portion of the sequence will be considered new matter, and as such will have the priority date reflected by the filing date of this application, 09/086,010 (filing date May 27, 1998).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 37 and 57 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement is withdrawn.

The declaration of Megan E. Williams has addressed and obviated the basis of the rejection for deposit.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

As indicated previously, claim 36 was objected for being dependent on rejected claims. The amendment of claims 29 and 50 to include this limitation has differentiated the claimed invention from that in the prior art as disclosed by either Hodge *et al.* (Mol Cell Biol, 1995) or Kataoka *et al.* (Mol Cell Biol, 1995). At the time of filing other forms of c-Maf were known, however the variant disclosed as SEQ ID NO: 2 was not. Differentiating the claimed invention from one that assayed the endogenous form of c-Maf as disclosed Hodge *et al.* and Kataoka *et al.* has put the claims in condition for allowance.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Woitach whose telephone number is (571) 272-0739.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached at (571) 272-0735.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group analyst Dianiece Jacobs whose telephone number is (571) 272-0532.

Joseph T. Woitach

JOSEPH WOITACH, PH.D.
PRIMARY EXAMINER

Joe Woitach
1701632